

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

DANNY NATHANIEL PAGE DUTY,

Plaintiff,

v.

CIVIL ACTION NO. 3:21-0420

DANIEL RUNYON;
JEFFREY DANIEL WILLIAMS;
WESTERN REGIONAL JAIL; and
STATE OF WEST VIRGINIA,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the complaint be dismissed, without prejudice; the Application to Proceed Without Prepayment of Fees and Costs be denied, as moot; and that this action be removed from the docket of the Court. No objections to the Magistrate Judge's findings and recommendation have been filed.¹

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that the complaint be **DISMISSED**, without prejudice; the Application to Proceed Without Prepayment of Fees and Costs be **DENIED**, as moot; and that this

¹ The Proposed Findings and Recommendation was returned marked returned to sender, no longer at this facility. The Clerk of Court has no current address for Plaintiff.

action be **REMOVED** from the docket of the Court, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: December 22, 2021

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE